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David H. Brinkman, Reg. No. 40,532	Date

## PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

*Ex Parte* Ronald R. Weiss

Appeal No. \_\_\_\_\_

Applicant: Ronald R. Weiss  
Serial No.: 10/689,397  
Filed: October 20, 2003  
Group Art Unit: 1761  
Confirmation No.: 2876  
Examiner: Becker, Drew E.  
Title: **CONTROL METHODS FOR POPPING POPCORN**  
Attorney Ref. No.: GME-131C

Cincinnati, Ohio

June 22, 2007

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

In response to the Notification of Non-Compliant Appeal Brief mailed May 31, 2007, a Status of Claims in accordance with 37 C.F.R. §41.37(c)(1)(iii) and a Status of Amendments in accordance with 37 C.F.R. §41.37(c)(1)(iv) is submitted herewith, as set forth in MPEP §1205.03.

The Status of Claims (Section III of Appellant's Appeal Brief) has been amended to indicate that claim 30 stands withdrawn.

The Status of Amendments (Section IV of Appellant's Appeal Brief) has been amended to discuss Appellant's Response filed on June 26, 2006 and Appellant's Supplemental Response filed on July 26, 2006.

### **III. Status of Claims**

Claims 26-29 remain pending after the final rejection dated April 26, 2006, and are subject to this appeal. Claims 1-25 have been previously canceled without prejudice or disclaimer.

Claims 26-29 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,534,103 (the "103 patent").

Claims 26-29 also stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,352,731 (the "731 patent").

Claims 26-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over VandeWalker, U.S. Patent No. 4,182,229 in view of Cartwright et al., U.S. Patent No. 5,352,866.

Claim 30 has been withdrawn.

#### **IV. Status of Amendments**

Appellant filed a Response on June 26, 2006 to traverse the rejections set forth in the Final Office Action dated April 26, 2006. Finally rejected claims 26-29 were not amended in Appellant's Response.

On July 26, 2006, Appellant filed a Supplemental Response to respond to the Advisory Action mailed July 7, 2006 and to provide an Interview Summary for the telephonic interview conducted with Examiner on July 19, 2006. Finally rejected claims 26-29 were not amended in Appellant's Supplemental Response.

### **Conclusion**

Appellant is of the opinion that no fee is due in connection with this submission. However, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

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